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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,238	06/29/2001	Guerry L. Grune	SIPS-VSM	9158

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EXAMINER	
MIZRAHI, DIANE D	
ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
07/02/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/896,238	GRUNE ET AL.	
	Examiner	Art Unit	
	DIANE MIZRAHI	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 July 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 January 2010* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 12-22 are pending in the application. Claims 1-11 are canceled.

Examiner withdraws the objection to the drawings, objection to the claims which recite the limitation, "wherein"; objection to the specification and rejection under 35 USC 101 for system claims 12 and 19. This office action is based on Applicant's newly submitted amendment of July 31, 2009.

Examiner has reconsidered the amendment and remarks set forth in this office action. See new office action below based on the amendment of July 31, 2009.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner is unclear as to what is Applicant's claimed, "model mapping".

Examiner is unclear as to what is meant by the following claimed limitations:

"meaningful manner" (Claims 12 and 21-22);

All claims should be reviewed for this limitation and should be corrected. Further clarification and explanation is required.

Examiner does not understand what Applicant intends these limitations to mean, thereby rendering the Application difficult to further examine.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 20-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed non-statutory subject matter.

The claims 20-22 are rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state. Here, applicant's method steps, fail the first prong of the new Federal Circuit decision since they are not tied to another statutory class or do not change or switch statutory class (such as a particular apparatus) or do not transform the underlying subject matter (such as an article or materials) to a different state or thing. Therefore, the claims are related to mental processes, which is not patentable, and can be preformed without the use of a particular apparatus.

Thus, claims 20-22 are non-statutory and rejected under 35 USC § 101 since they may be performed within the human mind.

Computer software is not a process, a machine, a manufacture or a composition of matter. Accordingly, Claims 20-22 fails to recite statutory subject matter, as defined in 35 U.S.C. 101. Claims 20-22 “method claims” are directed toward non-statutory subject matter.

Claim Rejections - 35 USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 12, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable Rivette et al., US Patent No. 6499026 B1 and Rivette hereinafter) and Kevin W. Boyack et al. (Paper entitled, "Analysis of Patent Databases Using VxInsight", March 29, 2001, published by Sandia National Laboratories and referred as Boyack hereinafter) in view of Kenneth E. Edgecombe et al. (US Patent No. 6,345,234 B1 and Edgecombe hereinafter.

Regarding Claim 12, Rivette discloses a computer system for enabling a simultaneous (i.e. simultaneously) (Rivette, Col 26, line 6) and (i.e. enables the computer control logic to execute programs to perform funtions) (Rivette, Col 16, lines 5-13) combination of techniques including intelligent searching for problem solving with (i.e. intelligent agents) (Rivette, Col 24, line 41) (*Examiner notes that an intelligent agent is used for intelligent actors which observe and act upon an environment, in the sense of a rational agent, an entity that is capable of perception, action and goal directed behavior. Such an agent might be a robot or an embedded real time software system - and is intelligent if it interacts with its environment in a manner that would normally be regarded as intelligent if that interaction were carried out by a human being. Also, an intelligent agent might be wholly autonomous, carrying out its own agenda, and acting as an agent for no one.*), and valuation of intellectual property (i.e. patent's value) (Rivette, Col 11, line 66) , while regarding said intellectual property in a meaningful manner with a user interface device (Figure 9, item 902, item 906)(Figure 4, item 420)

(i.e. document identification of patents such as document number, title, application type, figures) (Figure 12H, item 1222), said computer system (Figure 40, item 57, computer) comprising;

at least one server computer (i.e. enterprise server) (Figure 3, item 314); one or more client computers connected to said server computer via a global area network (Figure 3, whole figure) and one or more computer programs (i.e. computer program products having software that enables the computer to perform)(Col 16, lines 2-4) executed by one or more server computers (Figure 3, item 314) wherein said computer program further comprises computer instructions for (i.e. computer program products having software that enables the computer to perform)(Col 16, lines 2-4)

storing, retrieving, and searching for information (i.e. database such as inventor, mapping, bibliographic, corporate, entity and the like) (Rivette, Col 9, lines 37-67 and Col 10, lines 11-22) (Examiner notes that a database is a structured collection of records or data that is stored in a computer system. In order to retrieve and access information from this storage one must query the database to find and retrieve the information)

regarding said intellectual property (i.e. patents or patent database) (Figure 6, item 614) corresponding to a technology sector within a technology exchange (i.e. reads on patents which contain numerous and various different individual and corporate technologies) ((Figure 6, item 621) in and from a database, storing, retrieving, and

searching (i.e. database such as inventor, mapping, bibliographic, corporate, entity and the like) (Rivette, Col 9, lines 37-67 and Col 10, lines 11-22) (Examiner notes that a database is a structured collection of records or data that is stored in a computer system. In order to retrieve and access information from this storage one must query the database to find and retrieve the information)

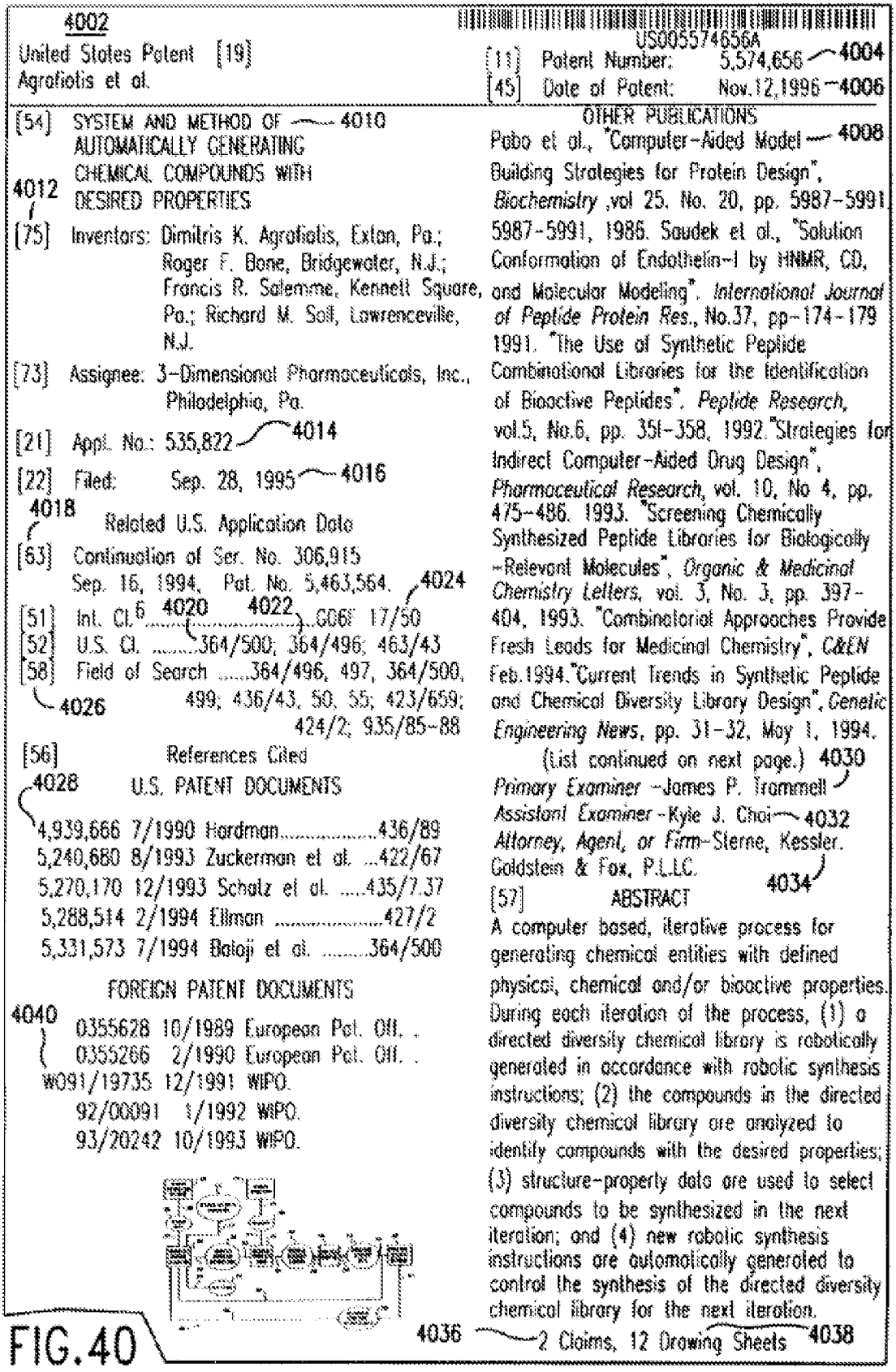
problem solving solutions related to said intellectual property (i.e. intelligent agents) (Rivette, Col 24, line 41) (*Examiner notes that an intelligent agent is used for intelligent actors which observe and act upon an environment, in the sense of a rational agent, an entity that is capable of perception, action and goal directed behavior. Such an agent might be a robot or an embedded real time software system - and is intelligent if it interacts with its environment in a manner that would normally be regarded as intelligent if that interaction were carried out by a human being. Also, an intelligent agent might be wholly autonomous, carrying out its own agenda, and acting as an agent for no one.*), in and from a database, storing, retrieving, and searching (i.e. database such as inventor, mapping, bibliographic, corporate, entity and the like) (Rivette, Col 9, lines 37-67 and Col 10, lines 11-22) (Examiner notes that a database is a structured collection of records or data that is stored in a computer system. In order to retrieve and access information from this storage one must query the database to find and retrieve the information)

scientific and engineering publications (i.e. databases such as inventors or corporate entities which contain research and development such as different

technologies) (Rivette, Col 14, lines 39-44) (Rivette, Col 17, lines 61-65) or (non-patent information) (Rivette, Col 14, line 9-13) related to said intellectual property (i.e. patent information) (Rivette, Col 14, lines 39-40) in and from a database (i.e. patent database) (Rivette, Figure 6, item 614);

allowing for searching, retrieving, and storing into and from said database or databases information regarding (i.e. databases such as inventors or corporate entities which contain research and development) (Rivette, Col 14, lines 39-44) (Rivette, Col 17, lines 61-65) or (non-patent information) (Rivette, Col 14, line 9-13) said intellectual property (i.e. patent information) (Rivette, Col 14, lines 39-40)

within said technology exchange (i.e. see below technologies such as pharmaceutical, or generating compounds, chemical, bioactive, robotically generated and the like)(Rivette, Figure 40, whole Figure)



4002

United States Patent [19]
Agrafiotis et al.

US005574656A
[11] Patent Number: 5,574,656 — 4004
[45] Date of Patent: Nov. 12, 1996 — 4006

[54] SYSTEM AND METHOD OF AUTOMATICALLY GENERATING CHEMICAL COMPOUNDS WITH DESIRED PROPERTIES — 4010, 4012

[75] Inventors: Dimitris K. Agrafiotis, Exton, Pa.; Roger F. Bone, Bridgewater, N.J.; Francis R. Salemme, Kennett Square, Pa.; Richard M. Soll, Lawrenceville, N.J.

[73] Assignee: 3-Dimensional Pharmaceuticals, Inc., Philadelphia, Pa.

[21] Appl. No.: 535,822 — 4014

[22] Filed: Sep. 28, 1995 — 4016

4018 Related U.S. Application Data

[63] Continuation of Ser. No. 306,915 Sep. 16, 1994, Pat. No. 5,463,564. — 4024

[51] Int. Cl.[6] ..... G06F 17/50 — 4020, 4022

[52] U.S. Cl. 364/500; 364/496; 463/43

[58] Field of Search ..... 364/496, 497, 364/500, 499; 436/43, 50, 55; 423/659; 424/2; 935/85-88 — 4026

[56] References Cited

4028 U.S. PATENT DOCUMENTS

4,939,666 7/1990 Hardman 436/89
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4040
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WO91/19735 12/1991 WIPO.
92/00091 1/1992 WIPO.
93/20242 10/1993 WIPO.

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Pabo et al., "Computer-Aided Model — 4008
Building Strategies for Protein Design", *Biochemistry*, vol 25. No. 20, pp. 5987-5991 5987-5991, 1986. Saudek et al., "Solution Conformation of Endothelin-1 by HNMR, CD, and Molecular Modeling". *International Journal of Peptide Protein Res.*, No.37, pp-174-179 1991. "The Use of Synthetic Peptide Combinational Libraries for the Identification of Bioactive Peptides". *Peptide Research*, vol.5, No.6, pp. 351-358, 1992. "Strategies for Indirect Computer-Aided Drug Design", *Pharmaceutical Research*, vol. 10, No 4, pp. 475-486. 1993. "Screening Chemically Synthesized Peptide Libraries for Biologically -Relevant Molecules", *Organic & Medicinal Chemistry Letters*, vol. 3, No. 3, pp. 397-404, 1993. "Combinatorial Approaches Provide Fresh Leads for Medicinal Chemistry", *C&EN* Feb.1994."Current Trends in Synthetic Peptide and Chemical Diversity Library Design", *Genetic Engineering News*, pp. 31-32, May 1, 1994.

(List continued on next page.) 4030

Primary Examiner -James P. Trammell
Assistant Examiner -Kyle J. Choi — 4032
Attorney, Agent, or Firm-Sterne, Kessler, Goldstein & Fox, P.L.L.C. 4034

[57] ABSTRACT

A computer based, iterative process for generating chemical entities with defined physical, chemical and/or bioactive properties. During each iteration of the process, (1) a directed diversity chemical library is robotically generated in accordance with robotic synthesis instructions; (2) the compounds in the directed diversity chemical library are analyzed to identify compounds with the desired properties; (3) structure-property data are used to select compounds to be synthesized in the next iteration; and (4) new robotic synthesis instructions are automatically generated to control the synthesis of the directed diversity chemical library for the next iteration.

4036 — 2 Claims, 12 Drawing Sheets — 4038

FIG.40

said problem solving (i.e. intelligent agents) (Rivette, Col 24, line 41) (*Examiner notes that an intelligent agent is used for intelligent actors which observe and act upon an environment, in the sense of a rational agent, an entity that is capable of perception, action and goal directed behavior. Such an agent might be a robot or an embedded real time software system - and is intelligent if it interacts with its environment in a manner that would normally be regarded as intelligent if that interaction were carried out by a human being. Also, an intelligent agent might be wholly autonomous, carrying out its own agenda, and acting as an agent for no one.*), database (i.e. databases such as inventors or corporate entities which contain research and development) (Rivette, Col 14, lines 39-44) (Rivette, Col 17, lines 61-65) or (non-patent information) (Rivette, Col 14, line 9-13), and said science and engineering database (i.e. patent information database) (Rivette, Figure 6, item 614) (Rivette, Col 14, lines 39-40), and valuing said intellectual property (i.e. patent's value) (Rivette, Col 11, line 66) according to one or more search criteria specified by a user (i.e. inventor databases, and corporate entity databases, the financial databases, the person databases, and the employee databases. Such information includes R&D (research and development) information, financial information, licensing information, manufacturing information, HR (human resources) information, and any other information that may be pertinent to the analysis of the customer's patents and other relevant documents. (Rivette, Col 17, lines 62-67 to Col 18, lines 1-2) (Examiner notes that with all these databases, a user can search such criteria according to finances, corporate, inventor, research and development or the like).

Rivette does not expressly teach mapping.

Boyack teaches mapping (i.e. map of specific intellectual property) (Section 4. Application to Patent Data) and (Figure 1, "Landscape of patent class 360) and (i.e. analysis and mapping of patent data) (Introduction).

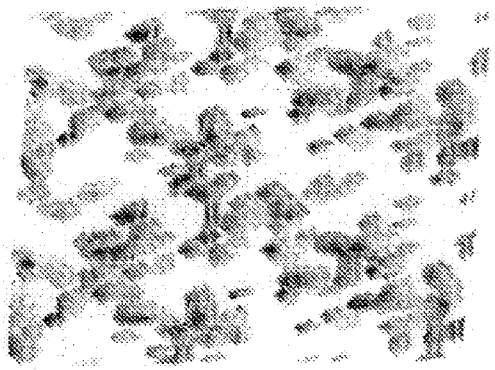
It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Rivette with the teachings of Boyack to include mapping with the motivation to allow for powerful and flexible tools for exploring data collections, by providing access to the data in an intuitive visual format, and easy to interpret. By presenting data as a landscape, this allows for very large data sets to be represented in a memorable way. (Boyack et al., Introduction).

In regards to the newly added limitation, "topographical" amendment of July 31, 2009 --

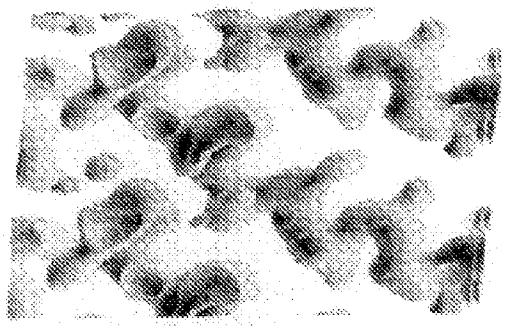
Rivette and Boyack does not expressly teach topographical.

Edgecombe teaches topographical (i.e. multi-dimensional topology … within a space (Col 4, lines 49-51) see also (i.e. maps analyzed to determine peaks and valleys ...) (Col 5, lines 35-37); see also (i.e. a topographical approach to the representation and analysis … density maps implemented or ORCRIT) (Col 9, lines 52-54) see also Figures 1 and 2, infra:

(a)



(b)



(c)

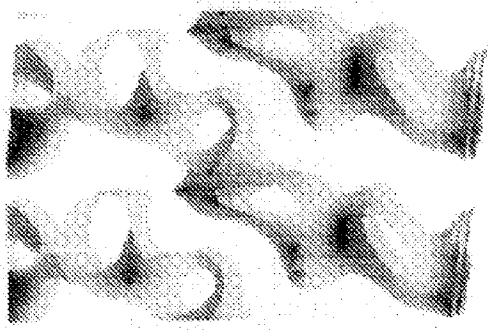


FIGURE 1

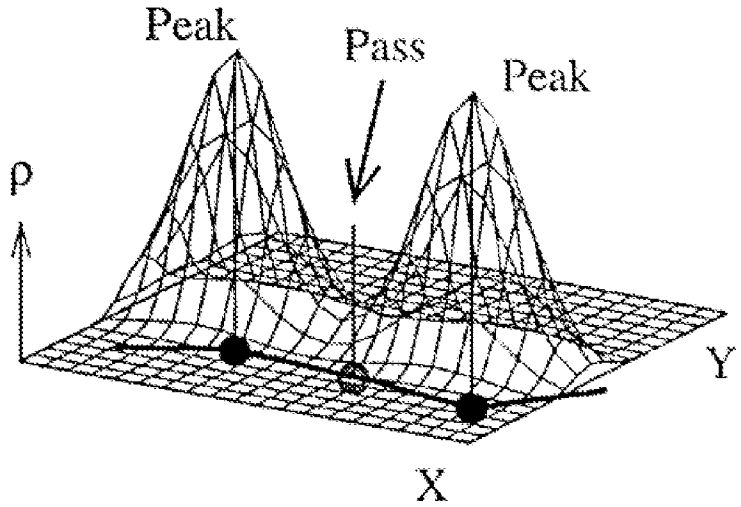


FIGURE 2

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Rivette and Boyack with the teachings of Edgecombe to include topographical with the motivation to allow for determining the multi-dimensional topology of a volume to form a set of relative density values ... for a given location within a volume … and to identify critical points [Edgecombe, (Col 2, lines 54-65)] and to interpret images with the ability to locate and identify meaningful features [Edgecombe, (Col 6, lines 51-52)].

Regarding Claim 19, Rivette does not expressly model mapping includes topographical features optionally including colors, numbers, or symbols representing intellectual property value and direction of increasing and decreasing value of said intellectual property.

Boyack teaches model mapping includes topographical features (i.e. landscape maps such as contour maps like display in which color represents density) (Boyack, 2.3 Visualization Tools) optionally including colors, numbers, or symbols representing intellectual property value and direction of increasing and decreasing value (i.e. coutours of highs and lows representing patent class significance by technology companies such Sony, shown in yellow or Seagate shown in red) (Figure 1) of said intellectual property (i.e. patent class 360) (Figure 1) see also (Figure 5 for landscape map of all patents issued in January 2000 where the map shows technologies such as networks, vehicle control, film, and the like).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Rivette with the teachings of Boyack to include model mapping includes topographical features optionally including colors, numbers, or symbols representing intellectual property value and direction of increasing and decreasing value of said intellectual property with the motivation to allow for powerful and flexible tools for exploring data collections, by providing access to the data in an intuitive visual format, and easy to interpret. By presenting data as a

landscape, this allows for very large data sets to be represented in a memorable way. (Boyack et al., Introduction).

Regarding Claim 20, the rejection of claims 12 and 19 respectively, are fully incorporated and are similarly rejected along the same rationale. In addition, Rivette teaches for enabling optional simultaneous and instantaneous real-time or optional simultaneous or optional instantaneous real-time review of data (i.e. corporations do not conduct such patent searches. One significant reason for this is the difficulty in identifying relevant patents, and the difficulty in analyzing patents. Computerized search tools are becoming available to the public, such as web sites on the Internet that can be used to conduct patent searches) (Rivette, Col 1, lines 56-62) (Examiner notes that the Internet is a series of interconnected computer networks that transmit data. The Internet is a "network of networks" that consists of millions of smaller domestic, academic, business, and government networks, which together carry various information and services, such as electronic mail, online chat or file transfer, and the interlinked web pages and other resources of the World Wide Web (WWW). A user views web pages that may contain text, images, videos, and other multimedia and navigates between them using hyperlinks. The Internet provides for optional instantaneous real-time viewing of data.) patent shoe (i.e. patents in shoes) (Rivette, Col 125, line 65) , by means of an audio or visual or audiovisual display, in a meaningful manner, at least (i.e. document databases 612 may be text, images,

graphics, audio, video,multimedia and/or any other information representation that can be stored in electronic form.) (Rivette, Col 20, lines 18-21) a list of patents (i.e. patent database 614 includes electronic representation of U.S. and foreign patents of interest to the customer) (Rivette, Col 18, lines 22-28) causing, pursuant to a command to view or hear a next file (i.e. images, graphics, audio, video, multimedia and/or any other information representation)(Rivette, Col 20, lines 18-21), audible or visual display of image (Rivette, Col 20, lines 18-21) or text data or both image (Rivette, Figure 40) causing, pursuant to a command to view a previous file (i.e. Figure 41 is a new view of a previous file)

4102

US005371844A
United States Patent [19]
Hoge et al.
[11] Patent Number: 5,371,844
[45] Date of Patent: *Dec. 6, 1994

[54] SELF IDENTIFYING UNIVERSAL DATA STORAGE ELEMENT WITH HUMAN INTELLIGIBLE WRITE PROTECT MECHANISM

[75] Inventors: David T. Hoge, Westminster; John C. Owens, Arvada, both of Colo.; Michael W. Johnson, Cottage Grove, Minn.
4104
[73] Assignees: Storage Technology Corporation, Louisville, Colo.; Minnesota Mining and Manufacturing Company, St. Paul, Minn.
4106

[*] Notice: The portion of the term of this patent subsequent to Aug. 24, 2010 has been disclaimed.
[21] Appl. No.: 115,135
[22] Filed: Sep. 1, 1993

Related U.S. Application Data

[63] Continuation-in-part of Ser. No. 870,578 Apr. 17, 1992, Pat. No. 5,239,437, which is a continuation-in-part of Ser. No. 744,456 Aug. 12, 1991, abandoned.

[51] Int. Cl.[5] G11B 15/04
[52] U.S. Cl. 360/132; 360/133
[58] Field of Search 360/132.95,134,131, 360/133; 014/121-123

[56] References Cited
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D.331,053	11/1992	Zucker et al.	D14/115
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5,239,437	8/1993	Hoge et al.	360/132

Primary Examiner—Paul M. Dzierzynski
Assistant Examiner—Don Wong
Attorney, Agent, or Firm—Sterne, Kessler, Goldstein & Fox

[57] ABSTRACT

A mechanism for defining a write protect state of a data storage media enclosed in a housing of a data storage element is disclosed. The mechanism includes an aperture formed in an exterior surface of the housing, wherein the aperture has a first region and a second region. A member is movably secured within the aperture and is manually movable between a first position wherein the member is positioned proximate the aperture first region, and a second position wherein the member is positioned proximate the aperture second region. A first human intelligible mark is placed on the housing proximate the aperture first region. The first human intelligible mark depicts a portion of a predetermined symbol corresponding to one of a write enabled state and a write protect state of the data storage media. A second human intelligible mark is placed on the member. The second human intelligible mark depicts a remaining portion of the symbol. The second human intelligible mark is alignable with the first human intelligible mark by moving the member into the first position. When the first and second human intelligible marks are aligned, the first and second human intelligible marks depict an unbroken image of the symbol, thereby indicating that the data storage media is in the one of the write enabled state and the write protect state. When the first and second human intelligible marks are not aligned, the first and second human intelligible marks depict a broken image of the symbol, thereby indicating that the data storage media is in another of the write enabled state and the write protect state of the data storage media.

7 Claims, 4 Drawing Sheets

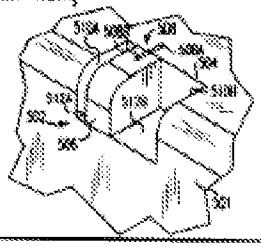

FIG. 41

allowing a user to scroll back and forth with no limitations and to provide reports capture any desired portion of said visual displays (i.e. user view patents in the document pane by horizontal scroll and sideways scroll in the document pane) (Rivette, Col 114, lines 30-40).

Regarding Claims 13-18 and 21-22, these claims are rejected respectively, are fully incorporated and are similarly rejected along the same rationale as the claims above.

(Note: Examiner could not further conduct an appropriate search. See rejection under 35 USC 112).

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Arguments/Remarks:

Applicant's arguments/remarks filed July 31, 2009, have been fully considered but they are not persuasive. If examiner has not noted any other objections under

remarks, it is because some previous objections and rejections have been withdrawn, supra.

Applicant argued:

a) The rejection of claims 12-22 under 35 U.S.C. 112 regarding "model mapping".

b) The rejection of claims 20-22 under 35 USC 101 regarding “electronic patent shoe or user interface device”.

c) The rejection of claims 12 and 19 under 35 USC 101 regarding “system”.

d) The rejection under 35 USC 103 that neither Rivette in view of Boyack neither teaches “topographical mapping and valuing of IP in a technology”.

With regards to a) Examiner appreciates the interpretation description given by Applicant in response. Applicant has amended modeling mapping to topographical mapping. Examiner has made the rejection of topographical mapping under 35 USC 103, supra. Therefore, this point is moot based on the rejection supra.

With regards to b) The rejection of claims 20-22 under 35 USC 101 regarding “electronic patent shoe or user interface device”. Applicant discloses " electronic patent shoe or user interface device ". Examiner has reviewed Applicant’s specification, but Applicant did not explain or define these terms in the original specification. Therefore, Examiner believes these limitations to be software. The rejection under 35 USC 101 stands at this time.

With regards to c) The rejection of claims 12 and 19 under 35 USC 101 regarding “system”. Examiner has withdrawn the rejection of "system". Therefore this point is moot.

With regards to d) The rejection under 35 USC 103 that neither Rivette in view of Boyack neither teaches “topographical mapping and valuing of IP in a technology”. Applicant has amended claims 12, 19 and 20 from modeling mapping to topographical mapping which Examiner has rejected with Edgecombe et al, Rivette and Boyack. Edgecombe discusses multi-dimensional topology of a system in space for a wide range of data relating to crystallography, fluid dynamics, financial market to determine the topology of structures contained therein. (See Edgecombe, Abstract). Therefore, Examiner believes that Applicant’s topographical mapping and valuing of IP in a technology is clearly taught in combination with Rivette, Boyack and Edgecombe’s for reasons stated supra under the rejection 35 USC 103.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is 571-272-4079. The examiner can normally be reached on Monday-Thursday (9:30 - 4:30 p.m.).user

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 305-3900 for After Final communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/Diane Mizrahi/
Primary Patent Examiner

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June 24, 2010